

**SOUTH AYRSHIRE LOCAL REVIEW BODY.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 6th November 2018 at 2.00 p.m.

Present: Councillors Craig Mackay (Chair), Andy Campbell, Ian Cavana, Peter Convery, Ian Fitzsimmons, Mary Kilpatrick.

Attending: L. McChristie, Solicitor (Legal Adviser); A. Cooke, Planning Co-ordinator (Planning Adviser); F. Mullen, Service Lead (Planning and Building Standards) S. Smith, Administrative Assistant and D. Mulgrew, Committee Services Assistant.

Apologies: Councillors Brian Connolly and Margaret Toner.

**1. Declarations of Interest.**

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Campbell declared an interest in the item below entitled "Erection of dwellinghouse at The Walled Garden, Monkton" as the applicants were known to him and advised that he would withdraw from the meeting during discussion of this item.

**2. Minutes of previous meeting.**

The minutes of 11th September 2018 and 25th September 2018 (issued) were submitted and approved.

**3. Continuation of Review – Planning permission in principle for erection of dwellinghouse at 13 Belston Holdings, Ayr (18/00135/PPP).**

Reference was made to the Minutes of 11th September 2018 (Page 8, paragraph 1) when it had been agreed that the Review be continued to a further meeting of this Body to allow an accompanied site visit to assess the application site in its setting and the surrounding area.

Having heard the Chair, the Legal Adviser to the Body and the Planning adviser to the Body, the Body again considered the papers relating to the Review.

**Decided:** to overturn the decision made by the appointed officer and grant Planning Permission in Principle subject to the following conditions:-

- (1) That formal application(s) for the Approval of Matters Specified in Conditions shall be submitted to, and approved by, the Council before commencement of development. Such application(s) shall be made not later than three years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed on appeal. The proposed development shall commence within two years from the approval of the requisite Matters Specified in Condition application, or in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained;

- (2) That at the Approval of Matters Specified in Conditions stage full details of the proposed development, including the siting, design, external appearance, means of access, landscaping measures, and any other matters specified in conditions below, shall be submitted for the approval of the Planning Authority as outlined in Condition 1 of this planning permission;
- (3) That at the Approval of Matters Specified in Conditions stage the detailed plans shall clearly illustrate, in cross-section form, the existing ground level, the extent of any underbuilding, the finished floor level of the proposed development in relation to the levels of adjacent land and buildings (including windows of buildings within 18 metres) and any intervening existing or proposed screening (walls or fences). The floor levels shall clearly relate to a Fixed Datum Point on or nearby the site such as a road or pavement which shall be identified on the submitted plans;
- (4) That at the Approval of Matters Specified in Conditions stage details shall be submitted of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;
- (5) That the dwellinghouse shall not exceed one and a half storeys in height;
- (6) That at the Approval of Matters Specified in Conditions stage details shall be submitted of private garden ground in accordance with the Council's supplementary planning guidance in relation to 'Open Space and Designing New Residential Developments' and/ or any subsequent document prepared by the Council in relation to the provision of open space for residential areas;
- (7) That at the Approval of Matters Specified in Conditions stage details shall be submitted of the proposed access, surfacing arrangements, visibility splays, parking and turning arrangements and bin collection points for the proposed house, which shall be to the satisfaction of the Ayrshire Roads Alliance. This shall include; 1. the widening of the existing access to a minimum of 5.5 metres for a distance of 10.0 metres, be formed with 6 metre radius and which shall be surfaced for at least 10.0 metres, as measured from the rear of the public road carriageway, in accordance with the Council's Roads Development Guide, 2. junction access visibility sightline splays of 2.4 metres by 160 metres in both directions, 3. bin collection points being located a maximum of 15 metres from the public carriageway, and, 4. details showing the design and specification of a turning area capable of accommodating a rigid bodied HGV;
- (8) That at the Approval of Matters Specified in Conditions stage a design statement shall be submitted which demonstrates how the design and siting of the development takes cognisance of the Council's supplementary guidance in relation to Rural Housing and/ or any subsequent document prepared by the Council in relation to rural housing;

- (9) That at the Approval of Matters Specified in Conditions stage, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval.

**Reasons:**

- (1) To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning Etc. (Scotland) Act 2006;
- (2) To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning Etc. (Scotland) Act 2006.
- (3) In the interests of residential and visual amenity; to ensure that there is no significant detrimental impact on adjacent properties and to avoid excessive underbuilding.
- (4) In the interest of visual amenity.
- (5) To accord with the Council's supplementary planning guidance in relation to Rural Housing.
- (6) To comply with the Council's supplementary planning policy guidance in relation to open space, and to ensure that the extent of land to be used as garden ground is commensurate with the locality.
- (7) In the interest of road safety.
- (8) In order to retain the rural character and amenity of the area, and to accord with the Council's supplementary planning guidance in relation to Rural Housing.
- (9) In order to retain the rural character and amenity of the area, and to accord with the Council's supplementary planning guidance in relation to Rural Housing.

**Advisory Notes:**

- In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless development to which the permission relates is begun before that expiration.
- A site notice to be displayed in accordance with Section 27C(1) of The Town and Country Planning (Scotland) Act 1997 and Regulation 38 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 shall be completed, printed on durable material, and be displayed in a prominent place (readily visible to members of the public) at or in the vicinity of the site while the development hereby approved is in progress. This requirement is in order to ensure that members of the public are made aware of the background to the development in progress and have access to the necessary contact details. A template for the Site Notice is attached to this decision notice. An electronic version is also available on the Council's web site as follows [www.south-ayrshire.gov.uk/planning/forms.aspx](http://www.south-ayrshire.gov.uk/planning/forms.aspx) 'Notice to be displayed while development is in progress'.

- The person who intends to carry out the development hereby approved shall, as soon as practicable after deciding on a date on which to initiate the development, complete the attached form entitled 'Notification of Initiation of Development' and submit it to the Planning Authority before commencement of the development. For the avoidance of doubt, failure to submit the required notice would constitute a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended). This notification is required to ensure compliance with the requirements of planning legislation as contained in Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended).
- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Development' as soon as practicable after the development has been completed. This notification shall include the reference number of the planning permission, the site address and the date of completion. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written Notification of Completion of Phases of Development as soon as practicable after completion of each phase of the development and subsequently a Notification of Completion of Development as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

**Reason for Decision:**

The principle of the development hereby approved can be justified in terms of the development plan, and subject to appropriate conditions and the submission of application(s) for the Approval of Matters Specified in Conditions, there is no significant adverse impact on the amenity of neighbouring land and buildings.

**List of Approved Plans:**

Drawing - Reference No (or Description): 0552 PPP 01.

**Councillor Campbell having previously declared an interest left the meeting at this point.**

**4. Continuation of Review – Erection of dwellinghouse at The Walled Garden, B739 Tarbolton Road, Monkton, A719 Junction, Monkton (18/00304/APP).**

Reference was made to the Minutes of 25th September 2018 (Page 3, paragraph 1) when it had been agreed that the Review be continued to a further meeting of this Body to allow an accompanied site visit to assess the application site in its setting and the surrounding area and that a Procedure Notice be issued to the Appointed Officer for response to queries and statements made in the Applicant's review documentation.

Having heard the Chair, the Legal Adviser to the Body and the Planning adviser to the Body, the Body again considered the papers relating to the Review.

**Decided:** to overturn the decision made by the appointed officer and grant Planning Permission subject to the following conditions:-

- (1) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (2) That prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;
- (3) That, prior to the commencement of work on-site, details shall be submitted for the prior written approval of the Planning Authority of the all the proposed boundary treatments. Thereafter, the proposed boundaries shall be installed as per the agreed specification, to the satisfaction of the Council, as Planning Authority;
- (4) That 3 off road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide as shown on the submitted plan, prior to completion of the development;
- (5) That parking bays shall be a minimum 5.5 metres x 3.0 metres with minimum aisle widths of 6m.

**Reasons:**

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) In the interests of visual and residential amenity.
- (3) In the interests of visual and residential amenity.
- (4) In the interest of road safety and to ensure adequate off-street parking provision.
- (5) In the interest of road safety and to ensure that there is adequate space for manoeuvring and turning.

**Advisory Notes:**

- In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless development to which the permission relates is begun before that expiration.

- A site notice to be displayed in accordance with Section 27C(1) of The Town and Country Planning (Scotland) Act 1997 and Regulation 38 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 shall be completed, printed on durable material, and be displayed in a prominent place (readily visible to members of the public) at or in the vicinity of the site while the development hereby approved is in progress. This requirement is in order to ensure that members of the public are made aware of the background to the development in progress and have access to the necessary contact details. A template for the Site Notice is attached to this decision notice. An electronic version is also available on the Council's web site as follows [www.south-ayrshire.gov.uk/planning/forms.aspx](http://www.south-ayrshire.gov.uk/planning/forms.aspx) 'Notice to be displayed while development is in progress'.
- The person who intends to carry out the development hereby approved shall, as soon as practicable after deciding on a date on which to initiate the development, complete the attached form entitled 'Notification of Initiation of Development' and submit it to the Planning Authority before commencement of the development. For the avoidance of doubt, failure to submit the required notice would constitute a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended). This notification is required to ensure compliance with the requirements of planning legislation as contained in Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended).
- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Development' as soon as practicable after the development has been completed. This notification shall include the reference number of the planning permission, the site address and the date of completion. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written Notification of Completion of Phases of Development as soon as practicable after completion of each phase of the development and subsequently a Notification of Completion of Development as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

**Reason for Decision:**

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

**List of Approved Plans:**

Drawing - Reference No (or Description): 17-0244/L04;  
Drawing - Reference No (or Description): 17-0244/L03A;  
Drawing - Reference No (or Description): 17/0244/L02A;  
Drawing - Reference No (or Description): 17-0244/L05;  
Drawing - Reference No (or Description): 17-0244/L01A.

**Councillor Campbell re-joined the meeting at this point.**

5. **New Case for Review – Alterations and extension to dwellinghouse at 38 Kersepark, Ayr, KA7 4UD (18/00280/APP).**

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for alterations and extension to dwellinghouse at 38 Kersepark, Ayr, KA7 4UD.

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

**Decided:** to uphold the decision made by the Appointed Officer to refuse planning permission.

The meeting ended at 3.15 p.m.